

Service Date: December 15, 1989

FINAL ORDER NO. 5969

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	
WEST YELLOWSTONE INVESTMENTS, INC.,)	DOCKET NO. T-9451
dba YELLOWSTONE TAXI, West Yellowstone)		
Montana, for a Montana Intrastate)	
Certificate of Public Convenience and)	ORDER NO. 5969
Necessity.)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On August 8, 1989, West Yellowstone Investments, Inc. dba Yellowstone Taxi, P.O. Box 178, West Yellowstone, Montana 59758, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of passengers, baggage and express, Class B, within the City of West Yellowstone and a 120 mile radius thereof.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public September 7, 1989. That notice said in pertinent part:

If no written protests are received by September 27,

1989, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Jeffrey Dee Bingman dba Mountain Taxi, Big Sky, Montana; James T. Hanson Freight, Twin Bridges, Montana; City Taxi, Inc., Bozeman, Montana; and TW Services, Inc., Yellowstone National Park, Wyoming.

4. On October 31, 1989, Notice of Public Hearing was issued scheduling Docket T-9451 for public hearing on November 28, 1989, in West Yellowstone, Montana.

5. On November 16, 1989, Applicant restrictively amended his application and all protests were subsequently withdrawn. The public hearing was therefore not held.

6. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the

authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 11th day of December, 1989, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9451, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of WEST YELLOWSTONE INVESTMENTS, INC. DBA YELLOWSTONE TAXI, West Yellowstone, Montana for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B - Passengers, baggage and express within the City of West Yellowstone, Montana and a twenty-five (25) mile radius thereof. Limitations: Transportation is limited to utilization of vehicles with rated seating capacity of ten (10) passengers or less.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 11th day of

DOCKET NO. T-9451 ORDER NO. 5969

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December, 1989, by a vote of 5 - 0 .

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

CLYDE JARVIS, Chairman

HOWARD L. ELLIS, Vice Chairman

JOHN B. DRISCOLL, Commissioner

DANNY OBERG, Commissioner

WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck, Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.